

TIMOTHY M. CLARK (Bar No. 284447)
tclark@thesandersfirm.com
LAUREN A. WELLING (Bar No. 291813)
lwelling@thesandersfirm.com
SANDERS PHILLIPS GROSSMAN, LLC
2860 Michelle Drive, Suite 220
Irvine, CA 92606
Telephone: +1 877 480 9142
Facsimile: +1 213 330 0346

Attorneys for Plaintiffs

DONALD F. ZIMMER, JR. (State Bar No. 112279)

fzimmer@kslaw.com

WILLIAM E. STEIMLE (State Bar No. 203426)

wsteimle@kslaw.com

KING & SPALDING LLP

101 Second Street, Suite 2300

San Francisco, CA 94105

Telephone: +1 415 318 1200

Facsimile: +1 415 318

Actuaciones de Difusión

Attorneys for D
BOSTON, MA

BRISTOL-MYERS SQUIBB COMPANY,
ASTRAZENECA PHARMACEUTICALS LTD. and

ASTRAZENECA PHARMACEUTICALS LP, and
MCKESSON CORPORATION

MCKESSON CORPORATION

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

KATHY BARNES, an individual,

Case No.: 3:17-cv-1869-JST

Plaintiff,

V.

BRISTOL-MYERS SQUIBB COMPANY;
ASTRAZENECA PHARMACEUTICALS
LP; MCKESSON CORPORATION; and
DOES 1-50 INCLUSIVE

**STIPULATION FOR ORDER DENYING
MOTION TO DISMISS AND GRANTING
MOTION TO TRANSFER PURSUANT
TO 28 U.S.C. § 1404(a)**

Judge: Hon. Jon S. Tigar

Defendants.

AND RELATED ACTIONS:

Tony Campbell v. Bristol-Myers Squibb Company, et al., Case No. 3:17-cv-01872-JST;

Anita Rochelle Holland v. Bristol-Myers Squibb Company, et al., Case No. 3:17-cv-02430;

Michael Miller v. Bristol-Myers Squibb Company, et al., Case No. 3:17-cv-01870-JST;

Lester Speights v. AstraZeneca Pharmaceuticals LP, et al.,
Case No. 3:17-cv-01873-JST;

Nichole Wilcox v. Bristol-Myers Squibb Company, et al., Case No. 3:17-cv-01662-JST;

Robbie York v. Bristol-Myers Squibb Company, et al., Case No. 4:17-cv-01871-JST;

Sheryle Christensen v. Bristol-Myers Squibb Company, et al., Case No. 3:17-cv-03098-JST
(in which Defendants are specially appearing);

Donielle Cousins v. Bristol-Myers Squibb Company, et al., Case No. 3:17-cv-03180-JST
(in which Defendants are specially appearing);

Norman Johnson v. Bristol-Myers Squibb Company, et al., Case No. 3:17-cv-03019-JST
(in which Defendants are specially appearing).

TO THE COURT AND ALL PARTIES:

WHEREAS, Defendants AstraZeneca Pharmaceuticals LP (AstraZeneca) and Bristol-Myers Squibb Company (BMS) filed Motions to Dismiss for Lack of Personal Jurisdiction in the *Barnes, Campbell, Holland, Miller, Speights, Wilcox, and York* actions on May 26, 2017;

WHEREAS, in the alternative, AstraZeneca, BMS, and McKesson Corporation argued that Plaintiffs' respective home states were a more convenient forum and that these cases should be transferred pursuant to 28 U.S.C. § 1404(a);

WHEREAS, Defendants have yet to appear in the *Christensen*, *Cousins*, and *Johnson* cases, but would file the same motions in response to the complaints in those cases;

WHEREAS, based on the Court’s recent rulings denying Defendants’ motions to dismiss for lack of personal jurisdiction and granting Defendants’ motions to transfer in related actions *Dubose v. Bristol-Myers Squibb, et al.*, Case No. 3:17-cv-00244-JST (Doc 39) and *Cortina v. Bristol-Myers Squibb, et al.*, Case No. 3:17-cv-00247-JST (Doc 36), the parties anticipate that

1 the Court will reach the same result with respect to Defendants' pending motions and in similar
2 motions that would be filed in the *Christensen*, *Cousins*, and *Johnson* cases, because the motions
3 are based on substantially similar factual circumstances;

4 WHEREAS, while Defendants respectfully disagree with the Court's ruling denying their
5 motion to dismiss and Plaintiffs respectfully disagree with the Court's ruling granting
6 Defendants' motion to transfer, the parties agree to the following stipulation in an effort to
7 conserve resources and minimize expense for the parties and the Court;

8 **NOW, THEREFORE**, the Parties stipulate and agree that the Court will deny the
9 motions to dismiss for lack of jurisdiction and will grant the motions to transfer the cases to the
10 districts where Plaintiffs reside pursuant to 28 U.S.C. § 1404(a), as follows:

- 11 • Barnes, Kathy; Eastern District of Kentucky;
- 12 • Campbell, Tony; Eastern District of Tennessee;
- 13 • Holland, Anita Rochelle; Middle District of North Carolina;
- 14 • Miller, Michael; Northern District of Indiana;
- 15 • Speights, Lester; Eastern District of Louisiana;
- 16 • Wilcox, Nichole; Western District of Tennessee;
- 17 • York, Robbie; Northern District of Georgia;
- 18 • Christensen, Sheryle; District of Idaho;
- 19 • Cousins, Donielle; Southern District of Indiana;
- 20 • Johnson, Norman; Northern District of Georgia.

21 **IT IS SO STIPULATED.**

22 DATED: July 27, 2017

SANDERS PHILLIPS GROSSMAN, LLC

23
24 By: /s/ Timothy M. Clark
25 Timothy M. Clark
26 Lauren Welling
27 Attorneys for Plaintiffs
28

1 DATED: July 27, 2017

KING & SPALDING LLP

2
3
4 By: /s/ William E. Steimle
Donald F. Zimmer, Jr.
William E. Steimle
5 Attorneys for Defendants

6 **Signature Attestation (N.D. Cal. L.R. 5-1(i)(3))**

7 I, William E. Steimle, attest that concurrence in the filing of this document has been
8 obtained from each signatory whose ECF user ID and password are not being used in the
9 electronic filing of this document.

10
11
12 Having considered the above stipulation to transfer, and good cause appearing, the
13 Parties' Stipulation is **GRANTED**.

14 The action entitled *Kathy Barnes v. Bristol Myers Squibb, et al.* Case No. 3:17-cv-1869-
15 JST, shall be transferred to the Eastern District of Kentucky.

16 The action entitled *Tony Campbell v. Bristol-Myers Squibb Company, et al.*, Case No.
17 3:17-cv-01872-JST, shall be transferred to the Eastern District of Tennessee.

18 The action entitled *Anita Rochelle Holland v. Bristol-Myers Squibb Company, et al.*, Case
19 No. 3:17-cv-02430, shall be transferred to the Middle District of North Carolina.

20 The action entitled *Michael Miller v. Bristol-Myers Squibb Company, et al.*, Case No.
21 3:17-cv-01870-JST, shall be transferred to the Northern District of Indiana.

22 The action entitled *Lester Speights v. AstraZeneca Pharmaceuticals LP, et al.*, Case No.
23 3:17-cv-01873-JST, shall be transferred to the Eastern District of Louisiana.

24 The action entitled *Nichole Wilcox v. Bristol-Myers Squibb Company, et al.*, Case No.
25 3:17-cv-01662-JST, shall be transferred to the Western District of Tennessee.

26 The action entitled *Robbie York v. Bristol-Myers Squibb Company, et al.*, Case No. 4:17-
27 cv-01871-JST, shall be transferred to the Northern District of Georgia.

The action entitled *Sheryle Christensen v. Bristol-Myers Squibb Company, et al.*, Case No. 3:17-cv-03098-JST, shall be transferred to the District of Idaho.

The action entitled *Donielle Cousins v. Bristol-Myers Squibb Company, et al.*, Case No. 3:17-cv-03180-JST, shall be transferred to the Southern District of Indiana;

The action entitled *Norman Johnson v. Bristol-Myers Squibb Company, et al.*, Case No. 3:17-cv-03019-JST, shall be transferred to the Northern District of Georgia.

7 | IT IS SO ORDERED.

8 | DATED: August 1, 2017

Jon S. Tigar
HONORABLE JON S. TIGAR
United States District Judge